

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 22, 2016 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Fellers; Council Members: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould; City Clerk: Teresa Meier.

Council Chair Fellers announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

LAMM Having been appointed to read the minutes of the City Council proceedings of February 8, 2016, reported having done so, found same correct.

Seconded by Raybould & carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING

APPLICATION OF FUCOR, INC. DBA VENUE RESTAURANT & LOUNGE FOR A CLASS C LIQUOR
LICENSE AT 129 NORTH 10TH STREET, SUITE;

MANAGER APPLICATION OF JUSTIN B. COOKSLEY FOR FUCOR, INC. DBA VENUE RESTAURANT & LOUNGE AT 129 NORTH 10TH STREET, SUITE 115 - Michael Ritter, 9712 Andre Circle, and Justin Cooksley, 6015 Sumner Street, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF JASON L. JOHNSON FOR JJ'S LOUNGE, LLC DBA THE LOUNGE AT 2001 WEST O STREET - Jason Johnson, 930 Manchester Drive, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

AMENDING CHAPTER 9.44 OF THE LINCOLN MUNICIPAL CODE RELATING TO FIREWORKS, BY AMENDING SECTION 9.44.020 TO INCREASE THE PENALTY FOR THE UNLAWFUL USE OF FIREWORKS WITHIN THE LINCOLN CITY LIMITS - Jeff Kirkpatrick, City Attorney, came forward and stated that this is for sky lanterns to increase the minimum fine from \$25.00 to \$100.00 the maximum remains at \$500.00 dollars.

This matter was taken under advisement.

ORDINANCE AMENDING TITLE 4 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 4.68 RELATING TO BOARDS AND COMMISSIONS TO ESTABLISH THE PINNACLE BANK ARENA ADVISORY BOARD AND REPEALING SECTION 2.10.040 RELATING TO PERSHING MANAGER: AUTHORITY FROM TITLE 2 OF THE LINCOLN MUNICIPAL CODE:

REPEALING RESOLUTION NO. A-87447 ADOPTED JULY 22, 2013 RELATING TO THE PINNACLE BANK ARENA ADVISORY COMMITTEE DUE TO THE COMMITTEE'S FUNCTIONS BEING TRANSFERRED TO THE PINNACLE BANK ARENA ADVISORY BOARD ESTABLISHED IN THE LINCOLN MUNICIPAL CODE - Jeff Kirkpatrick, City Attorney, came forward and stated that this will get all significant Advisory Boards within the code. This will also take out of the code the authority of the Pershing Manager to enter into agreements on behalf of the City which is not needed any longer.

Carl Eskridge, Council Member, stated that it changes the name from a Committee to a Board and inquired if there was any legal significance in the definition of those.

Mr. Kirkpatrick said no.

Jane Kinsey, Watch Dogs of Lincoln, 6703 Hawkins Bend, came forward and inquired if this is giving the board more power. Discussion followed.

This matter was taken under advisement.

ORDINANCE AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PERSONNEL SYSTEM AND CHAPTER 5.04 RELATING TO ALCOHOLIC LIQUOR, BY AMENDING SECTION 2.76.370, SUBSECTION (E), TO REMOVE REFERENCE TO EMPLOYEE CLASSIFICATIONS "N" AND "X" RELATING TO PERSONAL HOLIDAY HOURS AS SUBSECTION (F) RELATES TO PERSONAL HOLIDAY HOURS FOR EMPLOYEE CLASSIFICATIONS "N" AND "X"; AND AMENDING SECTION 5.04.250 TO REMOVE LANGUAGE REFERRING TO A REPEALED SECTION; AND REPEALING SECTION 2.76.370 AND SECTION 5.04.250 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Jeff Kirkpatrick, City Attorney, came forward and stated that this is a cleanup code where two separate provisions were put in to this one ordinance change. The first would be removing the liquor portion that refers to another code section that has

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already been repealed. The second is for holiday hours for employee classifications "N" and "X" which are Non-Union City Employees who are give Holiday hours and benefits of Union Employees to line up their contracts. Discussion followed.

This matter was taken under advisement.

ORDINANCE AMENDING SECTION 14.80.080 OF THE LINCOLN MUNICIPAL CODE RELATING TO DIRECTOR OF PUBLIC WORKS AND UTILITIES TO HAVE GENERAL CONTROL OF SIDEWALKS TO REMOVE THE REQUIREMENT THAT PROPERTY OWNERS ARE RESPONSIBLE FOR THE REPAIR AND REPLACEMENT OF ADJOINING SIDEWALKS IN ORDER TO BRING THE CODE INTO CONFORMITY WITH THE CITY CHARTER, ART. VIII, SECTION 19; AND REPEALING SECTION 14.80.080 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Jeff Kirkpatrick, City Attorney, came forward and stated that this was a cleanup code that the voters had voted on quite some time ago, it states that maintaining of sidewalks is the City's responsibility and not the landowner. Discussion followed.

This matter was taken under advisement.

ORDINANCE AMENDING CHAPTER 27.06 OF THE LINCOLN MUNICIPAL CODE RELATING TO USE GROUPS BY AMENDING SECTION 27.06.170 TO REVISE THE USE GROUP TABLE TO REFLECT THAT CURRENT HEAVY COMMERCIAL SERVICES USE GROUP FOR MINI-WAREHOUSES ARE A PERMITTED CONDITIONAL USE IN THE B-5 DISTRICT AS PROVIDED IN SECTION 27.62.140(B)(2); AND REPEALING SECTION 27.06.170 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Jeff Kirkpatrick, City Attorney, came forward and stated that the only change that this makes is it adds C to the B5 group for mini-warehouses.

Teri Pope-Gonzalez, 349 South 1st Street, came forward and inquired if this has anything to do with the business around her house.

Mr. Kirkpatrick stated that the building on the lot behind Ms. Pope-Gonzalez house would not be affected by this change. Discussion followed.

David Cary, Planning Director, stated that Ms. Pope-Gonzalez surrounding area is not a B5 area.

This matter was taken under advisement.

APPROVING THE ANTELOPE SQUARE REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ANTELOPE SQUARE, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY BOUNDED BY 22ND STREET ON THE WEST, 23RD STREET ON THE EAST, R STREET ON THE NORTH, AND Q STREET ON THE SOUTH FOR THE CONSTRUCTION OF TWENTY-FOUR ATTACHED SINGLE FAMILY DWELLINGS. (RELATED ITEMS: 16R-28, 16R-29, 16-6);

AMENDING THE FY 15/16 CIP TO AUTHORIZE AND APPROPRIATE \$825,000.00 IN TIF FUNDS FOR THE ANTELOPE SQUARE REDEVELOPMENT PROJECT. (RELATED ITEMS: 16R-28, 16R-29, 16-6);

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE ANTELOPE SQUARE REDEVELOPMENT PROJECT. (RELATED ITEMS: 16R-28, 16R-29, 16-6) - David Cary, Planning Director, came forward and stated that this is a project for 24 units of new housing in the Antelope Square Area. Ten of the units will be affordable housing for home ownership. This project is not for rentals. The developer has had two neighborhood meetings, and received letters of support as a result of those meetings. Planning Department has approved of this project. It will be done in two phases. December 2017, will be the first phase with the second phase starting in 2019.

Jon Camp, Council Member, asked about the history of the discussion with the Lincoln School Board in the 56th area a few years ago and how this is different.

Mr. Landis stated that this project is different from the one Mr. Camp is inquiring about a few years ago. The past project on 56th was a subdivision, and Lincoln Public Schools stated that this area was not an area with a long history of building that had been paying tax for decades that are now in need of being replaced. Lincoln Public Schools had a concern with new single dwelling homes like a subdivision that will produce children for the schools in the area and they would not have the tax base to support those children as they have increased costs. Mr. Landis stated that they are aware of what Lincoln Public Schools wants and the City has not repeated what Lincoln Public Schools had objected to in the past.

Jane Raybould, Council Member, asked what the TIF funds would be used for.

Mr. Landis stated that the TIF, in part, would be used for site acquisition, site prep, alley paving. Discussion followed.

Tom Huston, Cline Williams Wright Johnson & Oldfather, 233 South 13th Street, Suite 1900, came forward on behalf of Antelope Square formed by NeighborWorks Lincoln and Assurity. One of the challenges is the assembly of the project, they currently have 8 sites and there were two other sites that the owners did not want to sell. This project has 24 units and at least 10 of those units will be for qualified buyers. Those units will look exactly like the other 14 units.

Brett West, Developer with Assurity, 3042 Sheridan Blvd., came forward and stated phase one is 10 units and primarily faces the south where phase two the other 14 units will face the creek. The garages will be in the back and owner will be able to add a deck on top of the garage as an amenity. Mr. West stated that they are still working on some of the designs for this project.

Joe Shaw, 2311 Q Street, came forward and stated that they are fans of this area and are in approval of the Antelope Square Project. Discussion followed.

Tim Fransic, 2511 T Street, came forward in favor of this project.
Teri Pope-Gonzalez, 349 South 1st Street, came forward and inquired about TIF funds and site acquisitions and wanted to know if that would be the same as a bank loan.

Mr. Camp stated that it is not like a bank loan. Discussion followed.

Jane Kinsey, Watch Dogs of Lincoln, 6703 Hawkins Bend, came forward and stated that they do not have any problem with the development, they have problems with TIF funds being used for this project. They feel that the TIF funds are being handed out without knowing if the developer even needs it.

Shawn Ryba, Chief Operating Officer, NeighborWorks Lincoln, 4411 North Park Blvd., came forward to answer questions.

Leirion Gaylor Baird, Council Member, asked about the 10 units that will be for qualified buyers, and how NeighborWorks will support some of the folks who will be purchasing homes through the qualified buyer program, what NeighborWorks will be doing to help make it a successful endeavor for folks who haven't gone through it before.

Mr. Ryba said what they value the most is engaging the community and walking them through the process, and value the input of residents when it comes to these sorts of projects. For the income eligible units, NeighborWorks offers a 9 hour Home Buyer Education Course. Folks that are 80% or lower, through this program, will get down payment and closing costs that will be forgiven after 10 years, for this project.

This matter was taken under advisement.

APPROVING THE SSH ARCHITECTURE REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND KEVIN AND MARY HITTLE RELATING TO THE REDEVELOPMENT OF PROPERTY LOCATED AT 6234 AND 6240 BALLARD AVENUE FOR THE CONSTRUCTION OF A NEW, APPROXIMATELY 10,800 SQUARE FOOT, BUILDING. (RELATED ITEMS: 16R-30, 16R-31, 16-7);

AMENDING THE FY 15/16 CIP TO AUTHORIZE AND APPROPRIATE \$110,000.00 IN TIF FUNDS FOR THE SSH ARCHITECTURE REDEVELOPMENT PROJECT. (RELATED ITEMS: 16R-30, 16R-31, 16-7);

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE SSH ARCHITECTURE REDEVELOPMENT PROJECT. (RELATED ITEMS: 16R-30, 16R-31, 16-7) - David Landis, Urban Development Director, came forward and stated that this is a 1 Million dollar project, and there is \$110,000.00 in TIF funds. This project went to the Historic Preservation Commission because Havelock is a landmark district. If your project is within 300 feet of a landmark district your project goes to Historic Preservation Commission, who has voted to approve the project 6-0 in a recent meeting. Mr. Hittler, the Architect, and the City are continuing to have discussions on the design of this project. This will support, in general, the feeling of the Havelock area. The developer is responsible for all costs over any shortfall that might occur in the TIF process.

Jane Kinsey, Watch Dogs of Lincoln, 6703 Hawkins Bend, came forward and stated that they have concerns with the TIF being handed out. Ms. Kinsey stated that this project looks good, but has a problem with using TIF money.

Teri Pope-Gonzalez, 349 South 1st Street, came forward and inquired about what happens when the company defaults on the TIF.

Mr. Landis stated that the tax payers are not responsible for paying back the TIF. The agreements state that if there is a shortfall, the developer is responsible. If the bond holder cannot secure it from the developer, then the bond holder is at risk, and the City is in neither of those positions.

Carl Eskridge, Council Member, asked if this project is the empty lots behind Misty's and if anyone was displaced by this project.

Mr. Landis said that they are not displacing anyone with this project. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE OMAHA-COUNCIL BLUFFS METROPOLITAN AREA PLANNING AGENCY AND CITY OF LINCOLN TO OBTAIN DIGITAL MAP PRODUCTS INCLUDING AERIAL PHOTOGRAPHY AND BUILDING FOOTPRINTS FOR LANCASTER COUNTY - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89498 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the Omaha-Council Bluffs Metropolitan Area Planning Agency and the City of Lincoln to obtain digital map products including aerial photography and building footprints for Lancaster County, upon the terms and conditions as set forth in said Interlocal Agreement, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is hereby directed to transmit one original agreement to Jeff McReynolds, City of Lincoln GIS Program Manager, and a copy of the executed original Interlocal Agreement to Patti McCoy, Metropolitan Area Planning Agency, 2222 Cuming Street, Omaha, NE 68102.

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Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

REPEALING RESOLUTION NO. A-74329 ADOPTED AUGUST 12, 1991 RELATING TO THE CITY'S PERFORMANCE AUDIT COMMITTEE DUE TO THE COMMITTEE'S FUNCTIONS BEING SEVERELY LIMITED DUE TO REALLOCATION OF RESOURCES - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89499 A Resolution regarding the repeal of the City's Internal Audit Review Committee due to the committee's functions being severely limited due to reallocation of resources.

WHEREAS, on August 12, 1991, the Lincoln City Council adopted Resolution No. A-74329, which established the Internal Audit Review Committee, and

WHEREAS, the purpose of the committee was to provide year-round monitoring of financial transactions, policies, and control systems of the City, to scrutinize the City's internal controls, and other audit functions, and

WHEREAS, during the 1999-2000 fiscal year, the Internal Auditor position was cut from the Finance Department staff, and

WHEREAS, due to the reduction of staff, the Internal Audit Review Committee has not been able to operate as originally envisioned.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that Resolution A-74329 be and hereby is repealed.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

REPEALING RESOLUTION NO. A-87447 ADOPTED JULY 22, 2013 RELATING TO THE PINNACLE BANK ARENA ADVISORY COMMITTEE DUE TO THE COMMITTEE'S FUNCTIONS BEING TRANSFERRED TO THE PINNACLE BANK ARENA ADVISORY BOARD ESTABLISHED IN THE LINCOLN MUNICIPAL CODE - PRIOR to reading:

LAMM Moved to delay action on Bill 16R-35 for 1 week to 2/29/16.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON FEBRUARY 1, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON FEBRUARY 8, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

LINCOLN ELECTRIC SYSTEM FINANCIAL & OPERATING STATEMENT FOR JANUARY, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(40)**

REPORT FROM CITY TREASURER OF FRANCHISE FEES FROM BLACK HILLS CORPORATION FOR THE MONTHS OF OCTOBER & NOVEMBER, 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(16-1)**

REPORT FROM CITY TREASURER OF 911 SURCHARGES FOR THE MONTHS OF SEPTEMBER, OCTOBER, NOVEMBER, & DECEMBER 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(20-2)**

REPORT OF LINCOLN WATER & WASTEWATER SYSTEMS FISCAL YEAR 2014-15 AUDITS - CLERK presented said report which was placed on file in the Office of the City Clerk. **(8-71)**

PETITIONS & COMMUNICATIONS

INFORMAL PAVING PETITION FOR PAVING OF SAUNDERS AVENUE BETWEEN 12TH & 13TH STREETS SUBMITTED BY ED GRUBBS - CLERK presented said petition which was referred to Public Works Department.

SETTING THE HEARING DATE OF MONDAY, MARCH 7, 2015 AT 3:00 P.M. ON THE MANAGER APPLICATION OF RODGER E. ADDISON FOR LAKES VENTURES LLC DBA FRESH THYME FARMERS MARKET AT 5220 O STREET - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89500 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 7, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Rodger E. Addison for Lakes Ventures LLC dba Fresh Thyme Farmers Market at 5220 O Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Cyndi Lamm

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, MARCH 7, 2015 AT 3:00 P.M. ON THE APPLICATION OF RACHEL RISE-MATTSON DBA THE TOP HAT TAVERN FOR A CLASS I LIQUOR LICENSE AT 736 WEST CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89501 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 7, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Rachel Rise-Mattson dba The Top Hat Tavern for a Class I Liquor License at 736 West Cornhusker Highway.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Cyndi Lamm

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, MARCH 7, 2015 AT 3:00 P.M. ON THE APPLICATION OF BISON COURTSIDE LLC DBA COURTSIDE BANQUET HALL, HOLDER OF A CLASS C LIQUOR LICENSE FOR A CHANGE OF LOCATION FROM 710 HILL STREET TO 333 SPEEDWAY CIRCLE #2 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89502 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 7, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Bison Courtside LLC dba Courtside Banquet Hall, holder of a Class C Liquor License for a change of location from 710 Hill Street to 333 Speedway Circle #2.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Cyndi Lamm

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, MARCH 7, 2015 AT 3:00 P.M. ON THE APPLICATION OF SHOPKO STORES OPERATING CO LLC DBA SHOPKO 172 FOR A CLASS B LIQUOR LICENSE AT 3400 NORTH 27TH STREET - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89503 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 7, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Shopko Stores Operating Co LLC dba Shopko 172 for a Class B Liquor License at 3400 North 27th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Cyndi Lamm

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, MARCH 7, 2015 AT 3:00 P.M. ON THE APPLICATION OF SHOPKO STORES OPERATING CO LLC DBA SHOPKO 39 FOR A CLASS B LIQUOR LICENSE AT 4200 SOUTH 27TH STREET - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89504 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 7, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Shopko Stores Operating Co LLC dba Shopko 39 for Class B Liquor License at 4200 S. 27th St.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Cyndi Lamm

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

REFERRED TO THE PLANNING DEPARTMENT:

CHANGE OF ZONE NO. 16001, REQUESTED BY ROKEBY HOLDINGS, LTD., FROM AG (AGRICULTURAL DISTRICT) TO R-3 (RESIDENTIAL DISTRICT) FOR APPROXIMATELY 28.87 ACRES OF LAND, MORE OR LESS, ASSOCIATED WITH THE GRANDVIEW ESTATES COMMUNITY UNIT PLAN, ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND ROKEBY ROAD.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

ADMINISTRATIVE AMENDMENT NO. 16003 TO CHANGE OF ZONE #15003, VAVRINA MEADOWS PLANNED UNIT DEVELOPMENT, APPROVED BY THE PLANNING DIRECTOR ON FEBRUARY 3, 2016, REQUESTED BY REGA ENGINEERING, TO ADD A NOTE STATING THAT COMMERCIAL USES ARE ACCEPTABLE WITHIN R-3 ZONING IN LOTS 2 AND 4, BLOCK 1, GENERALLY LOCATED AT SOUTH 14TH STREET AND YANKEE HILL ROAD.

ADMINISTRATIVE AMENDMENT NO. 16004 TO SPECIAL PERMIT #15014, MAKER'S ROW, APPROVED BY THE PLANNING DIRECTOR ON FEBRUARY 8, 2016, REQUESTED BY THE CLARK ENERSEN PARTNERS, TO REVISE THE LOCATION OF LOT 2 AND ADJUST PARKING STALL LOCATIONS, GENERALLY LOCATED AT NORTH 14TH STREET AND INDIGO ROAD.

ADMINISTRATIVE AMENDMENT NO. 16005 TO SPECIAL PERMIT #500B, EDUCATIONAL ENVIRONMENTS, INC., APPROVED BY THE PLANNING DIRECTOR ON FEBRUARY 10, 2016, REQUESTED BY KELLY SEACREST AND PETER STEGEN, TO RESCIND SPECIAL PERMITS #500 AND #500B, GENERALLY LOCATED AT AUSTIN DRIVE AND ANTELOPE CREEK ROAD.

LIQUOR RESOLUTIONS

APPLICATION OF FUCOR, INC. DBA VENUE RESTAURANT & LOUNGE FOR A CLASS C LIQUOR LICENSE AT 129 NORTH 10TH STREET, SUITE 115 - CLERK read the following resolution,

introduced by Jon Camp, who moved its adoption for approval:

A-89505 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Fucor, Inc. dba Venue Restaurant & Lounge for a Class "C" liquor license at 129 North 10th Street, Suite 115, Lincoln, Nebraska, for the license period ending October 31, 2016, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF JUSTIN B. COOKSLEY FOR FUCOR, INC. DBA VENUE RESTAURANT & LOUNGE AT 129 NORTH 10TH STREET, SUITE 115 - CLERK read the following resolution,

introduced by Jon Camp, who moved its adoption for approval:

A-89506 WHEREAS, Fucor, Inc. dba Venue Restaurant & Lounge located at 129 North 10th Street, Suite 115, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Justin B. Cooksley be named manager;

WHEREAS, Justin B. Cooksley appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Justin B. Cooksley be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF JASON L. JOHNSON FOR JJ'S LOUNGE, LLC DBA THE LOUNGE AT 2001 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89507 WHEREAS, JJ's Lounge, LLC dba The Lounge located at 2001 West O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Jason L. Johnson be named manager;

WHEREAS, Jason L. Johnson appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Jason L. Johnson be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 16-31, 2015 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89508 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated February 1, 2016, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

DENIED CLAIM

Marshall Krcmarik \$341.99

ALLOWED/SETTLED CLAIM

Michelle Martinez \$2,744.78

LITIGATION SETTLEMENT

Nationwide Insurance

a/s/o James Harris \$9,799.42

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

AMENDING CHAPTER 9.44 OF THE LINCOLN MUNICIPAL CODE RELATING TO FIREWORKS, BY AMENDING SECTION 9.44.020 TO INCREASE THE PENALTY FOR THE UNLAWFUL USE OF FIREWORKS WITHIN THE LINCOLN CITY LIMITS - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Chapter 9.44 of the Lincoln Municipal Code relating to Fireworks by amending Section 9.44.020 Fireworks; Violations; penalties to increase the penalty for the unlawful use of fireworks withing the Lincoln City limits, the second time.

ORDINANCE AMENDING TITLE 4 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 4.68 RELATING TO BOARDS AND COMMISSIONS TO ESTABLISH THE PINNACLE BANK ARENA ADVISORY BOARD AND REPEALING SECTION 2.10.040 RELATING TO PERSHING MANAGER; AUTHORITY FROM TITLE 2 OF THE LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Title 4 of the Lincoln Municipal Code relating to Boards and Commissions to create a new Chapter 4.68 entitled "Pinnacle Bank Arena Advisory Board" to establish the Pinnacle Bank Arena Advisory Board in the Lincoln Municipal Code relating to Pershing Manager; Authority, the second time.

ORDINANCE AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PERSONNEL SYSTEM AND CHAPTER 5.04 RELATING TO ALCOHOLIC LIQUOR, BY AMENDING SECTION 2.76.370, SUBSECTION (E), TO REMOVE REFERENCE TO EMPLOYEE CLASSIFICATIONS "N" AND "X" RELATING TO PERSONAL HOLIDAY HOURS AS SUBSECTION (F) RELATES TO PERSONAL HOLIDAY HOURS FOR EMPLOYEE CLASSIFICATIONS "N" AND "X"; AND AMENDING SECTION 5.04.250 TO REMOVE LANGUAGE REFERRING TO A REPEALED SECTION; AND REPEALING SECTION 2.76.370 AND SECTION 5.04.250 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Chapter 2.76 of the Lincoln Municipal Code relating to the Personal System by amending Section 2.76.370, subsection (e), to remove reference to employee classification "N" and "X"; and amending Chapter 5.04 relating to Alcoholic Liquor by amending Section 5.04.250 to remove language referring to a repealed section; and repealing Sections 2.76.370 and Section 5.04.250 of the Lincoln Municipal as hitherto existing, the second time.

ORDINANCE AMENDING SECTION 14.80.080 OF THE LINCOLN MUNICIPAL CODE RELATING TO DIRECTOR OF PUBLIC WORKS AND UTILITIES TO HAVE GENERAL CONTROL OF SIDEWALKS TO REMOVE THE REQUIREMENT THAT PROPERTY OWNERS ARE

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RESPONSIBLE FOR THE REPAIR AND REPLACEMENT OF ADJOINING SIDEWALKS IN ORDER TO BRING THE CODE INTO CONFORMITY WITH THE CITY CHARTER, ART. VIII, SECTION 19; AND REPEALING SECTION 14.80.080 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Section 14.80.080 of the Lincoln Municipal Code to remove the requirement that property owners are responsible for the repair and replacement of adjoining sidewalks in order to bring the code into conformity with the City Charter, Art. VIII, Section 19 and repealing Section 14.80.080 of the Lincoln Municipal Code as hitherto existing, the second time.

ORDINANCE AMENDING CHAPTER 27.06 OF THE LINCOLN MUNICIPAL CODE RELATING TO USE GROUPS BY AMENDING SECTION 27.06.170 TO REVISE THE USE GROUP TABLE TO REFLECT THAT CURRENT HEAVY COMMERCIAL SERVICES USE GROUP FOR MINI-WAREHOUSES ARE A PERMITTED CONDITIONAL USE IN THE B-5 DISTRICT AS PROVIDED IN SECTION 27.62.140(B)(2); AND REPEALING SECTION 27.06.170 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Chapter 27.06 of the Lincoln Municipal Code relating to Use Groups by amending Section 27.06.170 to revise the Use Group Table to reflect the current Heavy Commercial Services Use Group for mini-warehouses are permitted conditional use in the B-5 district as provided in Section 27.62.140(b)(2); and repealing Section 27.06.170 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING THE ANTELOPE SQUARE REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ANTELOPE SQUARE, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY BOUNDED BY 22ND STREET ON THE WEST, 23RD STREET ON THE EAST, R STREET ON THE NORTH, AND Q STREET ON THE SOUTH FOR THE CONSTRUCTION OF TWENTY-FOUR ATTACHED SINGLE FAMILY DWELLINGS. (Related Items: 16R-28, 16R-29, 16-6)

AMENDING THE FY 15/16 CIP TO AUTHORIZE AND APPROPRIATE \$825,000.00 IN TIF FUNDS FOR THE ANTELOPE SQUARE REDEVELOPMENT PROJECT. (Related Items: 16R-28, 16R-29, 16-6)

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE ANTELOPE SQUARE REDEVELOPMENT PROJECT (Related Items: 16R-28, 16R-29, 16-6) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, authorizing and providing for the issuance of City of Lincoln, Nebraska Tax Allocation Bonds, notes or other obligations, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$825,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the City's Antelope Square Redevelopment Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bonds, notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the Finance Director to exercise his independent discretion and judgement in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

APPROVING THE SSH ARCHITECTURE REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND KEVIN AND MARY HITTLE RELATING TO THE REDEVELOPMENT OF PROPERTY LOCATED AT 6234 AND 6240 BALLARD AVENUE FOR THE CONSTRUCTION OF A NEW, APPROXIMATELY 10,800 SQUARE FOOT, BUILDING. (Related Items: 16R-30, 16R-31, 16-7)

AMENDING THE FY 15/16 CIP TO AUTHORIZE AND APPROPRIATE \$110,000.00 IN TIF FUNDS FOR THE SSH ARCHITECTURE REDEVELOPMENT PROJECT. (Related Items: 16R-30, 16R-31, 16-7)

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE SSH ARCHITECTURE REDEVELOPMENT PROJECT (Related Items: 16R-30, 16R-31, 16-7) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, authorizing and providing for the issuance of City of Lincoln, Nebraska Tax Allocation Bonds, notes or other obligations, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$110,000 for the purpose of (1) paying the cost of acquiring, purchasing, construction, reconstructing, improving extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the City's SSH Architecture Redevelopment Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bonds, notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or

other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the Finance Director to exercise his independent discretion and judgement in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

ORDINANCES - 3rd READING & RELATED RESOLUTIONS

ESTABLISHING AN ENHANCED EMPLOYMENT AREA NECESSARY TO IMPOSE AN OCCUPATION TAX AS PART OF A DEVELOPMENT PROJECT AT SOUTHPOINTE PAVILIONS. (RELATED ITEMS: 16R-24, 16-4, 16R-25, 16-5, 16R-23) (ACTION DATE: 2/22/16) - PRIOR to reading:

ESKRIDGE Moved to amend Bill No. 16R-24 as follows:

On page 2, lines 12-13, delete the statutory reference Section number "18-2116 (2)" and insert the correct Section number 18-2142.04 (2).

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read the following resolution, introduced by Carl Eskridge, who moved its adoption as amended:
A-89509 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

WHEREAS R.E.D. Capital Management, L.L.C., a Kansas limited liability company, ("RED") is the owner of a majority of the property found within SouthPointe Pavilions ("SouthPointe") located generally north of Pine Lake Road between South 27th Street and South 32nd Street;

WHEREAS no portion of SouthPointe has been declared substandard and blighted nor would its current condition merit such a finding;

WHEREAS RED has agreed to cause the construction of improvements at SouthPointe to include a 220,000 square foot building to be the new home of Scheels All Sports and an additional approximately 40,000 square feet of new retail space in other locations within SouthPointe;

WHEREAS RED has requested assistance from the City in the form of a public parking garage and related improvements to be constructed on what is now property owned by RED within SouthPointe;

WHEREAS representatives of Scheels All Sports, Inc. have provided information to the City Council showing that in the course of moving into their new, larger store, they will add approximately fifty (50) full time employees to their existing staff; and

WHEREAS representatives of RED and Scheels have agreed to make a minimum investment of eighty million dollars (\$80,000,000.00) in constructing the private improvements at SouthPointe;

WHEREAS RED has represented to the City that its tenants as well as the other property owners within SouthPointe have generally expressed support for the improvements to be made by RED and Scheels and the impact those improvements may have on said tenants and owners and have been explained the proposed financing mechanisms for such a project that may have an impact on tenants throughout SouthPointe;

NOW THEREFORE, in light of the evidence presented to the City Council, said Council does hereby declare that portion of SouthPointe Pavilions shopping center, as it is designated on the attached Exhibit A which is hereby incorporated into this Resolution, as an enhanced employment area as that term is defined by Section 18-2142.04 of the Nebraska Revised Statutes. Any and all statutory requirements that accompany this designation, including but not limited to the determination in Section ~~18-2116 (2)~~ 18-2142.04 (2) which states that any business that has one hundred thirty-five thousand (135,000) square feet or more and annual gross sales of ten million dollars (\$10,000,000.00) or more shall provide an employer-provided health benefit of at least three thousand dollars annually to all new employees who are working thirty hours per week or more on average and have been employed at least six months, hereby apply throughout the enhanced employment area.

The City Clerk is directed to return an executed copy of this Resolution to David Landis, Director of the Urban Development Department for the City of Lincoln for transmittal to RED.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould; NAYS: Fellers.

AUTHORIZING A ONE PERCENT (1%) OCCUPATION TAX, EFFECTIVE JANUARY 1, 2017, ON GROSS RECEIPTS FOR RETAIL ESTABLISHMENTS AT SOUTHPOINTE PAVILIONS WITHIN THE DESIGNATED ENHANCED EMPLOYMENT AREA TO BE USED TO PAY FOR CONSTRUCTION AND MAINTENANCE OF A PUBLIC PARKING GARAGE TO BE LOCATED AT SOUTHPOINTE PAVILIONS. (RELATED ITEMS: 16R-24, 16-4, 16R-25, 16-5, 16R-23) - PRIOR to reading:

GAYLOR BAIRD Moved to amend Bill No. 16-4 by adding the underlined language shown below beginning in Page 3, Line 2 as follows;

Section 3. Tax Imposed; Collection of Tax.

(B) The Person engaged in operating a General Business may itemize the tax levied on a bill, receipt, or other invoice to the purchaser, and if such itemization is shown on a bill, receipt, or other invoice, it shall be labeled as a "Parking Assessment", but each Person engaged in such business shall remain liable for the tax imposed by this Ordinance.

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Seconded by Fellers & carried by the following vote; AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould; NAYS: Fellers.

RAYBOULD Moved to amend MTA #1 Page 2, Section 3, by inserting after the word “Assessment” the phrase “or Parking Fee”.

Seconded by Christensen & carried by the following vote; AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould; NAYS: Fellers.

CLERK Read an ordinance, introduced by Carl Eskridge, an ordinance providing for the levy of a general business occupation tax; establishing definitions; providing for the administration, collections, returns, delinquencies and recovery of unpaid amounts related to such occupation tax; specifying how such tax revenue will be used; providing a sunset provision for the tax; and related matters, the third time.

ESKRIDGE Moved to pass the ordinance as amended.

Seconded by Christensen & carried by the following vote; AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould; NAYS: Fellers.

The ordinance, being numbered **#20291**, is recorded in Ordinance Book #30.

APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN, R.E.D. DEVELOPMENT, AND POWDER MOUNTAIN, LLC RELATED TO CONSTRUCTION OF A NEW SCHEELS STORE AND OTHER RETAIL SPACE AT SOUTHPOINTE PAVILIONS IN ADDITION TO PUBLIC PARKING GARAGE WITHIN SOUTHPOINTE PAVILIONS. (RELATED ITEMS: 16R-24, 16-4, 16R-25, 16-5, 16R-23) (ACTION DATE: 2/22/16) - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89510 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached City of Lincoln Development Agreement for SouthPointe Pavilions Reconfiguration, between the City of Lincoln, Nebraska, R.E.D. Capital Management, LLC, and Powder Mountain, LLC relating to the construction of a new Scheels store and other retail space at SouthPointe Pavilions in addition to a public parking garage within SouthPointe Pavilions, upon the terms and conditions set forth in said Development Agreement, which is attached hereto marked as Attachment “A”, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit one fully executed original and one copy of said Agreement to David Landis, Urban Development Department. David Landis is further directed to transmit the original Agreement to R.E.D. Capital Management, LLC and Powder Mountain, LLC.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould; NAYS: Fellers.

AUTHORIZING THE ISSUANCE OF CITY OF LINCOLN SOUTHPOINTE PAVILIONS PROJECT TAX ALLOCATION BONDS IN AN AMOUNT NOT TO EXCEED \$19,950,000. (RELATED ITEMS: 16R-24, 16-4, 16R-25, 16-5, 16R-23) - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance authorizing and providing for the issuance of City of Lincoln, Nebraska Occupation Tax Revenue Bonds (Southpoint Pavilion Parking Project), notes or other obligations, in one or more taxable or tax-exempt series, in an aggregate principal amount no to exceed \$19,950,000 for the purpose of (1) paying the costs of authorized work within the City’s Southpointe Enhanced Employment area, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bonds, notes or other obligations; pledging certain occupation tax revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the Finance Director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote; AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould; NAYS: Fellers.

The ordinance, being numbered **#20292**, is recorded in Ordinance Book #30.

COMBINED SPECIAL PERMIT/USE PERMIT 11H - APPLICATION OF RED CAPITAL MANAGEMENT, LLC AND POWDER MOUNTAIN, LLC TO REFLECT THE REDEVELOPMENT OF SEVERAL AREAS OF THE SOUTHPOINTE PAVILIONS SHOPPING CENTER, INCLUDING AN INCREASE IN FLOOR AREA, A REDUCTION IN THE PARKING REQUIREMENT, AND AN INCREASE IN BUILDING HEIGHT LOCATED AT THE NORTHEAST CORNER OF SOUTH 27TH STREET AND PINE LAKE ROAD. (RELATED ITEMS: 16R-24, 16-4, 16R-25, 16-5, 16R-23) (ACTION DATE: 2/22/16) - PRIOR to reading:

RAYBOULD Moved to amend Bill No. 16R-23 by adding the underlined language shown below beginning in Page 4, Line 15 as follows;

h. The Permittee, at its expense, shall design and install a S. 32nd Street south bound to west bound right turn lane on to Pine Lake Road, to the satisfaction of Public Works and Utilities and post a surety for this.

Seconded by Christensen & carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK
A-89511

Read the following resolution, introduced by Carl Eskridge, who moved its adoption as amended:
WHEREAS, RED Capital Management, LLC and Powder Mountain, LLC have submitted an application designated as Combined Special Permit/Use Permit No. 11H to allow the redevelopment of several areas of the SouthPointe Pavilions shopping center, including an increase in floor area, a reduction in the parking requirement, and an increase in building height located at the northeast corner of South 27th Street and Pine Lake Road, and legally described as:

All of SouthPointe Pavilions 1st, 2nd, 3rd, 4th, and 5th Additions, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of RED Capital Management, LLC and Powder Mountain, LLC, hereinafter collectively referred to as "Permittee", to allow the redevelopment of several areas of the SouthPointe Pavilions shopping center, including an increase in floor area, a reduction in the parking requirement, and an increase in building height, on the property legally described above, be and the same is hereby granted upon condition that construction and operation of the shopping center under the amended Combined Special Permit/Use Permit be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 818,985 square feet of floor area and waivers to the Zoning Ordinance and City of Lincoln Design Standards to increase the building height from 40' to 73' on Lot 16, Block 1, as shown on the elevation plan, increase the building height from 40' to 45' on Lot 17, Block 1 and Outlot B, to permit architectural features and lighting as shown on the elevation plan, reduce the required parking to 1 parking stall per 300 square feet of floor area regardless of use, except the required parking for theaters which remains unchanged, and allow horizontal curves on Ridge Line Road, a private roadway, to be less than 150'.

2. Before receiving building permits for Lot 16, Block 1, or before a final plat is approved the Permittee shall:

a. Cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:

I. Make the following revisions to Sheet 1:

- A. Revise the text for Waiver #4 to reference Outlot B instead of Outlot A.
- B. Combine all sign related notes into Site Plan Note #6 to read: "An additional center sign has been permitted on the retaining wall at South 28th Street and Southridge Road. Signs need not be shown on this site plan, but need to be in compliance with Chapter 27.69 of the Lincoln Zoning Ordinance except where specified otherwise, and must be approved by Building & Safety Department prior to installation. Details of all signs, including type, location, height, and size, will be submitted separately at time of sign permit".
- C. Add a note to the site plan stating that the Permittee will fund the necessary equipment for traffic signal timing modifications at South 32nd Street and Pine Lake Road to reduce traffic congestion.
- D. On the Land Use Table, correct the required parking figure for Lot 4, Block 1, to 764 stalls and correct the required parking figure for Lot 17, to 67 stalls. Adjust the total and ratio accordingly and make other minor corrections to lot listings.

ii. Make the following revisions to Sheet 2:

- A. Add a sidewalk on the west side of South 30th Street north of Zermatt Drive.
- B. Remove the labels for use and square footage on each lot, as the land use table on Sheet 1 is sufficient description.

b. Adjust the sheet numbering on the final plot plan to include the following additional sheets as part of this Special Permit/Use Permit: The three sheets that include the 1) Detail/Note Plan, 2) Site Plan, and 3) Grading and Drainage Plan; the complete landscaping plan for the area north of Lots 16, 17, and Outlot B; and the two sheets that include elevations for the Lot 16 commercial building and parking garage.

c. Submit complete landscape (screen) plan for the area north of Lots 16, 17, and Outlot B to the Director of Planning for review and approval.

d. Post a surety for the necessary traffic signal equipment to adjust signal timing at S. 32nd Street and Pine Lake Road as determined by Public Works and Utilities.

e. Design and install traffic calming measures at the trail crossing on S. 32nd Street to the satisfaction of Public Works and Utilities or post a surety for this work.

f. Submit required documents and calculations in compliance with the requirements of Lincoln Municipal Code Title 28 to the satisfaction of Public Works and Utilities.

g. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

h. The Permittee, at its expense, shall design and install a S. 32nd Street south bound to west bound right turn lane on to Pine Lake Road, to the satisfaction of Public Works and Utilities and post a surety for this.

3. Before occupying the building all development and construction must substantially comply with the approved plans.

4. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee or an appropriately established owners association approved by the City.

5. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

6. The terms, conditions, and requirements of this resolution shall run with the land and be binding on the Permittee, its successors, and assigns.

7. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however the terms and conditions of all prior resolutions approving this Combined Special Permit/Use Permit remain in full force and effect except as specifically amended by this resolution.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None

MAYOR'S VETO OF RESOLUTION NO. A-89497

DIRECTING SUBMITTAL TO THE ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE VII, SECTION 2 OF THE CHARTER RELATING TO CONTRACTS FOR PROFESSIONAL SERVICES TO PROVIDE THAT THE CITY COUNCIL MAY, BY ORDINANCE, ESTABLISH PROCEDURES AND CRITERIA TO BE FOLLOWED BY THE MAYOR, DEPARTMENT HEADS, AND THE PURCHASING DIVISION IN SELECTING FIRMS OR OTHER ENTITIES TO PROVIDE PROFESSIONAL SERVICES AND IN MAKING AND APPROVING AWARDS AND CONTRACTS THEREFOR:

CAMP Moved to override the Mayor's veto.

Seconded by Christensen & LOST by the following vote: AYES: Camp, Christensen, Fellers, Lamm; NAYS: Eskridge, Gaylor Baird, Raybould. Mayor's veto stands.

RESOLUTIONS - 1ST READING

DIRECTING SUBMITTAL TO THE ELECTORS OF THE CITY OF A PROPOSED GENERAL OBLIGATION BOND ISSUE FOR CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S STORM SEWER SYSTEM AT THE MAY 10, 2016 PRIMARY ELECTION.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 1-15, 2016.

APPROVING A RESOLUTION REQUIRING THE ANNUAL PUBLICATION OF TOTAL WAGE AND SALARY INFORMATION FOR CITY OF LINCOLN EMPLOYEES.

SPECIAL PERMIT 04016A – APPEAL OF DEREK SCHROEDER AND DEREK ZIMMERMAN FROM THE PLANNING COMMISSION'S CONDITIONAL APPROVAL TO CONSTRUCT A MULTI-STORY, CLIMATE-CONTROLLED INDOOR SELF-STORAGE BUILDING AND INCREASE THE ALLOWABLE FLOOR AREA TO 197,200 SQ. FT., ON PROPERTY GENERALLY LOCATED AT NORTHWOODS DRIVE AND COLBY STREET.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKA DEPARTMENT OF ROADS FOR A FEDERAL-AID PROJECT GRANT IN THE AMOUNT OF \$600,000.00 FOR THE IMPLEMENTATION OF A BIKE SHARE PROGRAM.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required)

- APPROVING (1) AMENDMENT TO THE MASTER SITE LEASE FROM THE CITY AND THE COUNTY OF LANCASTER, NEBRASKA TO THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION; (2) AMENDMENT TO THE MASTER LEASE AGREEMENT FROM THE COMMISSION TO THE COUNTY AND THE CITY; AND (3) THE ISSUANCE OF THE COMMISSION'S TAX SUPPORTED LEASE RENTAL REVENUE BONDS, SERIES 2016 - CLERK read an ordinance, introduced by Cyndi Lamm, an ordinance of the City of Lincoln, Nebraska (The "City") approving (A) an amendment to the master site lease among the City and the County of Lancaster, Nebraska (The "County"), jointly, as lessor and the Lincoln-Lancaster County Public Building Commission (The "Commission"), as lessee, with respect to the various facilities operated by the Commission (The "Premises"), (B) an amendment to the master lease agreement among the commission, as lessor, and the City and the County, jointly, as lessee, with respect to the premises, and © the issuance of not to exceed \$16,100,000 in aggregated stated principal amount of the Commission's Tax Supported Lease Rental Revenue Bonds, Series 2016; and related matters, the first time.
- AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER “M” BY REESTABLISHING THE PAY RANGE OF M56 AND ASSIGNING CLASS CODE 3017 TO THE EXISTING BATTALION CHIEF CLASSIFICATION FOR THOSE EMPLOYEES WORKING THE 56 HOUR WORK WEEK - CLERK read an ordinance, introduced by Cyndi Lamm, amending Ordinance No. 20063 passed August 11, 2014, relating to the schedules of pay ranges for employees of the City of Lincoln whose classifications are assigned to pay range which prefixed by the letter "M" by reestablishing the pay range of M56 and assigning class code 3017 to the existing "Battalion Chief" classification for those employees working the 56 hour work week, the first time.
- AMENDING TITLE 2 OF THE LINCOLN MUNICIPAL CODE RELATING TO OFFICERS, DEPARTMENTS AND PERSONNEL BY ADDING A NEW SECTION NUMBERED 2.04.060 REQUIRING THE REPORTING OF CONTRACTS TO THE CITY COUNCIL AND ADDING A NEW SECTION 2.18.080 REQUIRING THE PRE-QUALIFICATION OF FIRMS PROVIDING SERVICES TO THE CITY - CLERK read an ordinance, introduced by Jane Raybould, amending Title 2 of the Lincoln Municipal Code relating to Officers, Departments and Personnel by adding a new Section numbered 2.04.060 requiring the reporting of contracts to the City Council and adding a new Section numbered 2.18.080 requiring the pre-qualification of firms providing professional services to the City, the first time.
- APPROVING A REAL ESTATE PURCHASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND C STREET, LLC FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SUPERIOR STREET AND LEWIS AVENUE - CLERK read an ordinance, introduced by Cyndi Lamm, approving a Real Estate Purchase Agreement between the City of Lincoln and C Street, LLC authorizing the sale of City owned property generally located at the southwest corner of Superior Street and Lewis Avenue, Lincoln, Nebraska, the first time.

ADJOURNMENT

5:00 P.M.

- CAMP Moved to adjourn the City Council Meeting of February 22, 2016.
 Seconded by Raybould & carried by the following vote; AYES: Camp, Christensen, Eskridge,
Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

Teresa Meier, City Clerk

Rh onda Bice, Office Specialist

